

REMARKS

Claims 1-12 are pending. No new claim amendments are presented at this time. Rather, reconsideration of the application is requested in view of the remarks set forth below.

As an initial matter, Applicant appreciates the indication of allowable subject matter, i.e. that claims 7 and 8 are allowable, but merely objected to as being dependent on a rejected base claim. It is believed that the within response places all claims in condition for allowance.

The rejections are discussed in combination for the sake of brevity.

Claims 1-5, 11 and 12 are rejected under 35 USC §102(b) over Ogawa et al. (The Chemical Society of Japan Koen Yokoshu 84(2):1270, K3-45 (2004)).

Claims 1-6 and 9-12 also are rejected under 35 USC §103(a) over Ogawa et al.

Ogawa et al. is cited for its disclosure of the allylation of an N-acylhydrazone with allyltrichlorosilane using a chiral phosphine oxide as a step in producing alloseleucine.

Applicant submits the following documents in order to overcome the rejection:

1) Verified English translation of Japanese priority document JP2004-056877, filed on March 1, 2004;

2) Verified English translation of Japanese priority document JP2004-244685, filed on August 25, 2004; and

3) English translation of the copyright page of the Ogawa et al. / Chemical Society disclosure showing a publication date of March 11, 2004.

It is respectfully submitted that the present application is entitled to a priority date of March 1, 2004 (the filing date of JP2004-056877). With the filing of the within verified English translation of JP2004-056877, Applicant may rely on that date to overcome the Ogawa reference as applied in each of the stated rejections.

As can be seen from the English translation of the copyright page for the Ogawa et al. disclosure, the Convention of the Chemical Society of Japan took place on March 26- 29, 2004, and the Ogawa et al. disclosure being applied against the present application was published on March 11, 2004 (*after* the priority date of the present application).

Accordingly, the cited reference may not be properly applied against the present application in a rejection under either §102 or §103. Reconsideration and withdrawal of the rejections are therefore requested.

CONCLUSION

In view of the foregoing, Applicant believes the pending application is in condition for allowance.

FEE AUTHORIZATION

Should any fees associated with the submission be required, the Commissioner is authorized to charge such fee to our Deposit Account, No. 04-1105, Reference 65952 (71526). Any overpayments should be credited to said Deposit Account.

Dated: May 21, 2009

Respectfully submitted,

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